

Applicant : Gary Liu  
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Filed : April 3, 2001  
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Attorney's Docket No.: 10664-147001

## REMARKS

### I. Introduction

Applicant would like to thank Examiner Elisca for the indication of allowance of claims 1-3, 22-32, 36-39 and 51. In response to the Office Action dated June 15, 2006, Applicant has amended claims 4, 5, 7 and 11 so as to address the indefiniteness issues raised in the pending § 112 rejection. No new matter has been added.

For the reasons set forth below, Applicant respectfully submits that all pending claims are patentable over the cited prior art references.

### II. The Rejection Of Claims 4, 5, 7 and 11 Under 35 U.S.C. § 112, Second Paragraph

Claims 4, 5, 7 and 11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Although Applicant does not agree that these claims lack antecedent basis, in an effort to advance prosecution, claims 4, 5 and 11 have been amended solely to overcome the alleged indefiniteness and are submitted to now be definite.

With respect to claim 7, Applicant notes that this claim already recites "the message" and not "a message". Accordingly, Applicant respectfully submits that the amendment to claim 7 as proposed by the Examiner is not necessary.

For all of the foregoing reasons, Applicant respectfully requests that the rejection of claims 4, 5, 7 and 11 under 35 U.S.C. § 112, second paragraph, be withdrawn.

### III. The Rejection Of Claims 6, 8-10, 17-19 and 49-50 Under 35 U.S.C. § 102

Claims 6, 8-10, 17-19 and 49-50 are rejected under 35 U.S.C. § 102(e) as being anticipated by USP No. 6,571,334 to Feldbau. Applicant respectfully traverses this rejection for at least the following reasons.

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### Claim 6

Claim 6 recites a computer-implemented method including encrypting a message using a symmetric key, sending the encrypted message to an intended recipient without the symmetric key, forwarding the encrypted symmetric key to a third party, and receiving from the third party a certified receipt verified by the third party indicating receipt of the message by the intended recipient.

In the statement of rejection, the Examiner has identified col. 1, line 66 to col. 2, line 12, col. 4, lines 19-32, col. 6, lines 51-57 and col. 14, line 66 to col. 15, line 15 of Feldbau as disclosing the foregoing claimed features. Applicant respectfully disagrees.

Feldbau describes a need for a sender to prove that specific information has been sent at a specific time to a specific receiving party (col. 1, lines 35-37). The specific information is first received as transmitted information 60, and the transmitted information is sent based on a destination address 52 (col. 6, lines 51-61). To provide authentication, the transmission is performed through an authenticator 70 in a "store and forward" manner (col. 6, lines 61-63). Particularly, the storage unit 54 of the authenticator 70 is used for storing the transmitted information 60 (col. 7, lines 47-57), and the transmitted information 60 is secured using compression, private or public key encryption, password or scrambling technique (col. 7, lines 57-64). The authenticator 70 is enclosed within a password protected sealed electronic box which, if opened without authorization, disables the normal operation of the authenticator 70 (col. 8, lines 41-45).

Applicant respectfully asserts that Feldbau fails to disclose receiving from a third party a certified receipt verified by the third party indicating receipt of the message by an intended recipient. In fact, none of the features of Feldbau which could conceivably be identified as a "receipt" can meet the limitations of claim 6. Feldbau discloses the use of a receipt only at col. 2, lines 1-10. However, this receipt cannot correspond to the claimed certified receipt. The receipt disclosed in Feldbau is formed by using a unique digital representation of a document obtained by an outside agency and stamping the document with a current time (i.e., time of receipt by the outside agency and roughly corresponding to time of sending by the sending

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party). In contrast, the claimed certified receipt as recited in claim 6 indicates whether an intended recipient has received a message. Feldbau's receipt is generated prior to transmission to the intended recipient. The reason for this is that, as discussed above, Feldbau is concerned with creating a record of when a document was sent. Accordingly, Applicant respectfully asserts that Feldbau's receipt is not equivalent to Applicant's claimed certified receipt.

Further, Feldbau also fails to disclose verifying the receipt as required by claim 6. In contrast, the claimed certified receipt is verified by a third party. The third party may, for example, verify that the certified receipt indicates a receipt of a message by an intended recipient (e.g., to confirm that the intended recipient has received the message). The certified receipt, which has been verified by the third party, is then transmitted and received, for example, by a sender.

Therefore, Applicant respectfully submits that claim 6 is in condition for allowance. Claims 10 and 47 also are allowable by virtue of their dependency on claim 6.

#### Claim 7

Claim 7 recites in-part a computer-implemented method including receiving a certified receipt originating from the intended recipient, the certified receipt being verified at the third party and forwarded to a sender after verification.

However, as discussed *supra*, the receipt disclosed in Feldbau cannot correspond to the claimed certified receipt. Feldbau also does not teach a verification of the receipt by the outside agency and transmission of the receipt to a sender after verification, because the receipt is formed at the outside agency.

In fact, Applicant respectfully submits that Feldbau fails to disclose a transmission of any message or receipt back to the sender. Rather, Feldbau only discloses a one-way transmission in which transmission of information originated from the sender is transmitted to the recipient through the authenticator 70 or the outside agency.

Further, Feldbau does not disclose creating any message header that includes a symmetric key and a message identifier associated with a message for transmission to an intended recipient.

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Feldbau does not teach that the transmitted information 60 contains any message header or message identifier associated with the transmitted information.

Therefore, Applicant respectfully submits that claim 7 is in condition for allowance. Claim 48 also is allowable by virtue of their dependency on claim 7.

#### **Claim 8**

Claim 8 recites in-part a computer-implemented method for providing a receipt for a message, the message being sent from a sender to an intended recipient and the method executing at the recipient, the method including creating a signed receipt for the encrypted message including signing a hash of the encrypted message and returning the signed receipt to a third party, and after verification of the signed receipt at the third party, receiving the symmetric key from the third party.

Feldbau does not teach creating a signed receipt for an encrypted message by an intended recipient. As discussed at col. 2, lines 1-13 of Feldbau, a unique digital representation of a document is transmitted to an outside agency, at which point current time is added to the document to produce a receipt. Evidently, this receipt is neither created nor signed by an intended recipient. Also, Feldbau does not indicate that the outside agency verifies this receipt, as the receipt is formed at the outside agency.

Therefore, Applicant respectfully submits that claim 8 is in condition for allowance. Claims 9 and 49 also are allowable by virtue of their dependency on claim 8.

#### **Claim 17**

Claim 17 recites in-part a computer-implemented method for generating a signed receipt associated with a message without exposing content of the message including generating a representation of the hash of a symmetric key and a message encrypted by the symmetric key, and signing the representation to generate a signed receipt.

Applicant would like to reiterate that the receipt of Feldbau is formed by using a unique digital representation of a document obtained by an outside agency and stamping the document

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with a current time (i.e., time of receipt by the outside agency). Feldbau fails to disclose the generation of a signed receipt. Also, Feldbau generates a digital representation of the document and therefore has access to the contents of the document. The contents in the document are readily accessed by both Feldbau's third party and recipient, because the document need not be encrypted. In contrast, the claimed message is encrypted, and the representation thereof that is included in the receipt is generated and signed, even in the situation in which the message cannot be accessed.

Therefore, Applicant respectfully submits that claim 17 is in condition for allowance. Claims 18, 19 and 50 also are allowable by virtue of their dependency on claim 17.

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and at a minimum, Feldbau fails to disclose or suggest the foregoing claim elements, Applicant respectfully submits that Feldbau does not anticipate claim 6, 7, 8 or 17, or any of the claims dependent thereon.

#### IV. Conclusion

By responding in the foregoing remarks only to particular positions taken by the Examiner, the Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

For all of the reasons set forth above, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

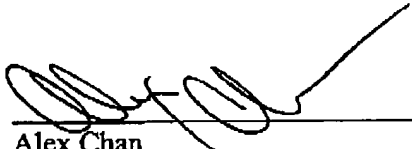
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including extension of time fees, to Deposit Account 06-1050 and please credit any excess fees to such deposit account.

Respectfully submitted,

Date: September 11, 2006

  
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